

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ABDUR-RAHIM DIB DUDAR,)(
)(
Plaintiff,)(
)(
v.)(CIVIL ACTION
)(FILE NO. _____
STATE FARM FIRE AND)(
CASUALTY INSURANCE)(On Removal From the
COMPANY,)(Superior Court Gwinnett County
)(Civil Action No. 23-A-01753-2
Defendant.)(

NOTICE OF REMOVAL

COMES NOW STATE FARM FIRE AND CASUALTY COMPANY (“**State Farm**”), incorrectly named as State Farm Fire and Casualty *Insurance* Company, Defendant in the above-styled civil action and, by and through its undersigned counsel, hereby files this Notice of Removal, respectfully showing this Honorable Court as follows:

1.

On March 6, 2023, Plaintiff Abdur-Rahim Dib Dudar (Dudar) filed a Complaint against State Farm in the Superior Court of Gwinnett County, Georgia, styled *Abdur-Rahim Dib Dudar v State Farm Fire and Casualty Insurance Company*, assigned Case No. 23-A-01753-2 (the “**Superior Court Action**”). True

and correct copies of all filings to date in the Superior Court Action are collectively attached hereto as **Exhibit “A.”**

2.

The Complaint and Summons in the Superior Court Action were served upon State Farm on March 8, 2023, the date on which State Farm first received the Complaint and notice of this lawsuit. This Notice of Removal is filed within thirty days of March 8, 2023. This Notice of Removal is also filed within one year of the commencement of the Superior Court Action. Thus, removal is timely under 28 U.S.C. § 1446(b).

3.

The United States District Court for the Northern District of Georgia, Atlanta Division, embraces Gwinnett County, Georgia. Removal to this Court is therefore proper under 28 U.S.C. § 1441(a).

4.

Pursuant to 28 U.S.C. § 1446(d), promptly after the filing this Notice of Removal, State Farm will give written notice to Plaintiff and will file a copy of this Notice of Removal with the Clerk of Superior Court of Gwinnett County, which shall effect the removal.

DIVERSITY JURISDICTION

5.

The United States District Court for the Northern District of Georgia, Atlanta Division, has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

6.

Upon information and belief, and at all times relevant hereto, Plaintiff was a resident and citizen of the State of Georgia.

7.

State Farm is a corporation organized under the laws of the State of Illinois, with its principal place of business in the State of Illinois. Thus, State Farm is a citizen of the State of Illinois.

8.

Because Plaintiff and State Farm are citizens of different States, complete diversity exists in accordance with 28 U.S.C. § 1332(a)(1).

9.

In his Complaint, Plaintiff seeks proceeds allegedly owed under a policy of insurance for damage to real property located at 157 Pinder Court in Stockbridge, Georgia 30281. *See* ECF No. 1-1, Complaint at page 1. Plaintiff asserts a claim against State Farm for breach of contract. *See* ECF No. 1-1, Complaint at page 1.

10.

Based on the allegations in the Complaint, Plaintiff seeks an amount in excess of \$75,000. *See* ECF No. 1-1, Complaint at page 6. As such, the amount in controversy requirement under 28 U.S.C. § 1332(a) is satisfied.

11.

Venue is proper in this Court for purposes of removal under 28 U.S.C. § 1441(a). By filing this Notice of Removal, State Farm does not waive any of jurisdictional objections or affirmative defenses.

12.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because there is complete diversity of citizenship between Plaintiff and State Farm and the amount in controversy exceeds \$75,000. Further, as required by 28 U.S.C. § 1441(b), State Farm is not a citizen of the State of Georgia.

WHEREFORE, Defendant prays that this action proceed in this Court as an action properly removed pursuant to 28 U.S.C. § 1446, and that no further proceedings be had in said case in the Superior Court of Gwinnett County, Georgia.

This 6th day of April, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Thomas D. Martin

Thomas D. Martin

Georgia State Bar No. 475535

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that we have this day electronically filed **STATE FARM FIRE AND CASUALTY COMPANY'S NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF System and that we served a true and correct copy of same by U.S. Mail, with proper postage affixed thereto addressed to *pro se* Plaintiff as follows:

Abdur-Rahim Dib Dudar, *Pro Se*
2498 Warwick Circle, N.E.
Atlanta, GA 30345

This 6th day of April, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

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